

Before the  
Federal Communications Commission  
Washington, D.C. 20554

MM Docket No. 89-13

In the Matter of

Amendment of Section 73.202(b), RM-6547  
Table of Allotments,  
FM Broadcast Stations.  
(Gleneden Beach, Sweet Home and  
Toledo, Oregon)

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: October 6, 1989; Released: October 30, 1989

By the Chief, Allocations Branch:

1. At the request of Galaxy Broadcast Partners (petitioner), the Commission has before it the *Notice of Proposed Rule Making and Order to Show Cause*, 4 FCC Rcd 1416 (1989), proposing the substitution of Channel 296C2 for Channel 296A at Sweet Home, Oregon, and the modification of license for Station KNKN to specify the higher powered channel. In addition, the *Notice* proposed the substitution of Channel 264A for Channel 296A at Toledo, Oregon, the modification of Station KTDO-FM's license accordingly, and the substitution of Channel 236C2 for unoccupied Channel 264C2 at Gleneden Beach, Oregon. The petitioner, Stephanie Linn ("Linn"), and Hal D. Fowler ("Fowler"), both applicants for Channel 264C2 at Gleneden Beach, filed comments and petitioner and Linn filed reply comments.

2. Petitioner supports the proposed substitutions at Toledo and Gleneden Beach in order to permit the upgrading of its Station KNKN. It also reiterates its intention to reimburse the licensee of Station KTDO-FM for the reasonable costs associated with its change of channel. Linn opposes the substitution of channels at Gleneden Beach, stating that the use of Channel 236C2 at the transmitter site proposed in her application would result in a short-spacing to Station KOOS-FM at North Bend, Oregon. Fowler does not oppose the substitution of channels but believes that the petitioner should be required to reimburse him for the cost of amending his application or modifying the new Gleneden Beach facilities if constructed prior to the resolution of this proceeding.

3. In response, petitioner notes that its proposal was filed and adopted prior to the receipt of the Gleneden Beach applications. However, in response to Linn's opposition, it has conducted a channel search and found that Channel 248C2 can be allotted to Gleneden Beach at the transmitter sites proposed by both applicants. Therefore, it urges adoption of its proposal as outlined in the *Notice* with the exception of changing the Gleneden Beach allotment to Channel 248C2.<sup>1</sup>

4. We believe the public interest would be served by adopting the amended proposal to substitute Channel 248C2 for Channel 264C2 at Gleneden Beach, substitute Channel 264A for Channel 296A at Toledo, and substitute Channel 296C2 for Channel 296A at Sweet Home, Oregon, since it could enable Station KNKN to expand its coverage area. Charles E. Farmer, licensee of Station KTDO-FM, Toledo, Oregon, did not respond to the *Order to Show Cause* and thus is deemed to have consented to the modification of its license to specify Channel 264A. Petitioner is, of course, expected to reimburse Farmer for the reasonable costs associated with the change of Station KTDO-FM's channel. We will not, however, require the petitioner to reimburse Linn and Fowler for the costs associated with the change in their applications to specify the new channel at Gleneden Beach. Although such reimbursement is required for existing authorizations, this policy does not extend to applicants. However, both Linn and Fowler will retain their cut-off protection. *See, Marion, Mississippi*, 4 FCC Rcd 3720 (1989).

5. Channel 296C2 can be allotted to Sweet Home and Channel 264A can be allotted to Toledo in compliance with the Commission's minimum distance separation requirements and can be used at the present transmitter sites of Stations KNKN and KTDO-FM, respectively. Channel 248C2 can be allotted to Gleneden Beach without the imposition of a site restriction and can be used at the transmitter sites specified by both Linn and Fowler.<sup>2</sup>

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **December 14, 1989**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

City	Channel No.
Gleneden Beach, Oregon	248C2
Sweet Home, Oregon	296C2
Toledo, Oregon	264A

7. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Galaxy Broadcast Partners for Station KNKN, Sweet Home, Oregon, IS MODIFIED to specify operation on Channel 296C2, in lieu of Channel 296A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

8. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Station KTDO-FM, Toledo, Oregon, IS MODIFIED to specify operation on Channel 264A in lieu of Channel 296A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in Station KTDO-FM's license, BLH-801128AB, except the channel as specified above. Any other changes, except those so specified under Section 73.1620 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with license BLH-801128AB, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

9. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to the licensee, as follows: Charles E. Farmer, Station KTDO-FM, P.O. Box 568, Toledo, Oregon 97391.

10. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

11. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

#### FEDERAL COMMUNICATIONS COMMISSION

Karl A. Kensinger  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

#### FOOTNOTES

<sup>1</sup> Linn filed a supplement to her reply comments stating that she had no objection to the allotment of Channel 248C2 to Gleneden Beach since it could be used at her applied-for transmitter site.

<sup>2</sup> The coordinates for Channel 296C2 at Sweet Home are North Latitude 44-26-05 and West Longitude 122-42-23. The coordinates for Channel 264A at Toledo are North Latitude 44-38-40 and West Longitude 124-00-52. The coordinates for Channel 248C2 at Gleneden Beach are North Latitude 44-52-53 and West Longitude 124-01-59. The coordinates for the Linn application (BPH-890118MA) are North Latitude 44-45-22 and West Longitude 124-02-57. The coordinates for the Fowler application (BPH-890118MB) are North Latitude 44-52-30 and West Longitude 123-59-03.